

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: ABAYOMI H. ADEYEMI

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

vs.

ABAYOMI H. ADEYEMI

CASE NO: 1-18-00595-HWV

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

AND NOW, on March 4, 2020, Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney James K. Jones Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice in accordance with Section 521, and 1307(c) of 11 U.S.C., due to failure to file a confirmable plan.

1. An Amended Plan was filed on March 8, 2019.
2. A hearing was held and an order was entered on December 4, 2019 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.
5. In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 1-16-01431-RNO
Counsel: JOHN M HYAMS ESQUIRE
Filing Date: 04/05/16
Total Payments: \$10823.01
Result: Dismissed for failure to make plan payments

Date Dismissed: 01/03/18
Chapter: 13

Case Number: 1-14-05182-MDF
Counsel: JOHN M HYAMS ESQUIRE
Filing Date: 11/06/14
Total Payments: \$4430.16
Result: Dismissed for failure to make plan payments

Date Dismissed: 12/11/15
Chapter: 13

Case Number: 1-13-05191-MDF
Counsel: JOHN M HYAMS ESQUIRE
Filing Date: 10/07/13
Total Payments: \$2239.58
Result: Debtor requested dismissal

Date Dismissed: 09/30/14
Chapter: 13

Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of three (3) prior Chapter 13 petitions within a five (5) year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of hearing is included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. Sec. 1307(c) and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,
James K. Jones, Esquire
Id: 39031
Attorney for Trustee
Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: jjones@pamd13trustee.com

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PREJUDICE

NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

Bankruptcy Courtroom Ronald Reagan Federal Bldg. 3rd Floor, 228 Walnut Street Harrisburg, PA 17101	Date: March 25, 2020 Time: 09:35 AM
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Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Dated: March 4, 2020

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on March 4, 2020, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

STEPHEN WADE PARKER, ESQUIRE
MOONEY LAW
230 YORK STREET
HANOVER, PA 17331-

SERVED ELECTRONICALLY

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

SERVED ELECTRONICALLY

ABAYOMI H. ADEYEMI
3944 SHEPPARD DRIVE
DOVER, PA 17315

SERVED BY 1ST CLASS MAIL

I certify under penalty of perjury that the foregoing is true and correct.

Dated: March 4, 2020

Respectfully submitted,
Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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Respondent(s)

ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.